

Town of Hermon

Public Safety Meeting Room

January 26, 2017

Town Council Meeting

7:00 PM

AGENDA

*** Televised live on Cable Channel 121.111 ***

Council Meetings may be viewed live online and are archived after the meeting has taken place – check hermon.net for link.

ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION

- I. CALL TO ORDER BY CHAIRPERSON
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES, And APPROVALOF MINUTES:

MINUTES. -APPROVE November 3, 2016

WARRANTS. –SIGN January 27, 2017

- V. NEWS, PRESENTATIONS AND RECOGNITIONS
- VI. PUBLIC ITEMS OR COMMENTS (Items Not Already on Agenda)
- VII. PUBLIC HEARINGS
 - #1. Hold Public Hearing TIF Districts #10 (Maine Salt Company) & #11(Waterfront Concerts, LLC)
 - #2. Hold Public Hearing Chemical Dependency Treatment Facility Moratorium.



VIII. COMMITTEE REPORTS

IX. SCHEDULED AGENDA ITEMS

A. OLD BUSINESS

- #3. Consider approving a Proposed Tax Increment Finance District for Maine Salt Company
- **44. Consider** approving a Proposed Tax Increment Finance District for Bangor Waterfront Concerts.
- **#5.** Consider approving an amendment to the Hermon Code of Ordinances Section 154.008, "Enacting a Moratorium on acceptance of applications of processing of applications for Chemical Dependency Treatment Facilities."
- **#6.** Consider authorizing amendment to Personnel Policy (Section 4.2)

B. NEW BUSINESS

- **#7.** Consider authorizing purchase of new sign for Fire Station.
- C. WORKSHOPS
- D. OTHER ITEMS (from Table Package)
- X. APPOINTMENTS
- XI. MANAGER STATUS REPORT:
 - Capital Improvement Plan
- XII. FINAL PUBLIC ITEMS OR COMMENT (Items Not Already on Agenda)
- XIII. COUNCIL ITEMS:
- XIV. EXECUTIVE SESSION:
- XV. ADJOURNMENT:

Explanatory note #1: All items in the CONSENT CALENDAR are considered routine and are proposed for adoption by the Town Council with one motion without DISCUSSION or deliberation. If DISCUSSION on any item is desired, any member of the Council or public may request the removal of an item for it to be placed in the regular agenda prior to the motion to approve the Consent Agenda.

Explanatory Note #2: In the interest of effect decision-making: At 10:00 p.m., the Chairman shall poll the Council and Town Manager to identify remaining items which shall be carried forward to the next Regular Meeting.

Explanatory Note #3: A Councilor who feels the need for the Council excusing his/her absence will make the request to the Town Manager or the Town Clerk prior to the meeting.



Town of Hermon

Public Safety Meeting Room

November 3, 2016

Town Council Meeting

7:00 PM

MINUTES

*** Televised live on Cable Channel 121.111 ***

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ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION

I. CALL TO ORDER BY CHAIRPERSON

Chair Thomas called the meeting to order at 7:00pm.

II. PLEDGE OF ALLEGIANCE

Chair Thomas led those in attendance in the Pledge of Allegiance.

III. ROLL CALL

Members Present: Anne Freeman, Donna Ellis, Steve Thomas, Doug Sinclair, Jeanne Jacques, John

Snyer and Steve Watson

Members Absent: N

None

Others Present:

Town Manager Howard Kroll, Town Clerk Ruth A. Nickerson, Larry Willey,

Geoff Gratwick, Kim Nichols

IV. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES, And APPROVALOF MINUTES:

MINUTES. -APPROVE

WARRANTS. -SIGN November 4, 2016

Councilor Freeman moved to approve the Consent Calendar as presented. Councilor Snyer seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

Hermon Town Council Minutes FY 2016-2017 November 3, 2016 Page 1 of 5



V. NEWS, PRESENTATIONS AND RECOGNITIONS

None

VI. PUBLIC ITEMS OR COMMENTS (Items Not Already on Agenda)

Larry Willey spoke to the Council about his proposals to consolidate services and save money on both state and local levels. He explained briefly the contents of his Pro-Maine 21 proposal and encouraged the Councilors to read it at length.

Geoff Gratwick thanked Mr. Willey for speaking, stating that he has a very interesting paper. Senator Gratwick told how he is anxious for 8:01pm on Election night. He stated how proud he is of our Clerks, Lisa Goodwin and Ruth Nickerson for the work they have done. This has not been an easy election.

VII. PUBLIC HEARINGS

#1. Hold Public Hearing to hear public comment regarding the adoption of an ordinance titled, "Retail Marijuana Moratorium" and an ordinance amendment to "Marijuana Cultivation and /or Processing Facility.

Chair Thomas opened the Public Hearing at 7:14pm. He opened the floor for comments for or against the adoption of the proposed ordinance. Kim Nichols lives at 531 Ridge Drive. She spoke to the Council informing them that she has a lot of strong feelings about the legalization of marijuana in Maine. She told how she is very proud of Hermon and that she is here tonight to support the Council's work. She then stated that she agrees with taking a step back and hearing from both sides of the issue. There were no other comments. The public hearing closed at 7:15pm.

VIII. COMMITTEE REPORTS

None

IX. SCHEDULED AGENDA ITEMS

A. OLD BUSINESS

#2. Consider - Authorizing the use of approved, dedicated funds for Website Upgrade.

Manager Kroll informed the Council that Staff alongside Sutherland Weston is participating in ongoing work to improve the Town's website. In response to Chair Thomas, Mr. Kroll stated that the upgrade will be complete in a couple of months. The Manager then commended Wendy Wiles-Scott for doing such a great job coordinating the upgrade.



Councilor Jacques moved to approve FR16-17-24. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

*(FR16-17-24 is attached for review.)

#3. Consider – Authorizing the use of approved dedicated funds for Laser Printers mandated by the State of Maine Department of Motor Vehicles.

Manager Kroll explained to the Council that funds were approved at the Annual Town Meeting for the purchase of new laser printers for use with the Department of Motor Vehicle. The DMV is changing the forms used for vehicle registrations, MVR-3's.

Councilor Freeman moved to approve FR16-17-25. Councilor Jacques seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

*(FR16-17-25 is attached for review.)

#4. Consider – Enacting an ordinance amendment to the Hermon Code of Ordinances – Title 15, Section 154, Sub Section 46, Retail Marijuana Moratorium" and an ordinance amendment to "Marijuana Cultivation and/or Processing Facility – Title 15, Section 154, Sub Section 83.

The Town Manager told how regardless of the election the Town needs to look at the issue of Retail Marijuana and address it appropriately because the issue is not going away. Enacting the Moratorium will give 180 days to consider how the Town wants to handle Retail Marijuana in our community.

Councilor Freeman moved to approve R16-17-39. Councilor Snyer seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

*(R16-17-39 is attached for review.)

B. NEW BUSINESS

#5. Consider – Introducing an ordinance amendment to the Hermon Code of Ordinances – Title 15, Section 154, Sub Section 6 b, Zone Change. (Annis Rd. Property)

Brian and Michelle Thayer request to change the zone of a piece of property they own on Annis Road. Currently the 74.88 acres is zoned agricultural/forestry. The request asks to change the entire parcel to Residential B. The Manager requested a public hearing be scheduled for November 17, 2016.

Councilor Jacques moved to approve R16-17-37. Councilor Snyer seconded the motion. The motion was accepted without doubt.

The motion carries.

*(R16-17-37 is attached for review.)



#6. Consider – Introducing an ordinance amendment to the Hermon Code of Ordinances – Title 15, Section 154, Sub Section 6 b, Zone Change. (Billings Rd. Property)

Charles Hillman request to change the zone of a portion of property he owns on the Billings Road. He is requesting the Council consider changing the 60 acres zoned Residential A to Residential B. The Town Manger requested a public hearing be scheduled for November 17, 2016.

Councilor Freeman moved to approve R16-17-38. Councilor Snyer seconded the motion. The motion was accepted without doubt.

The motion carries.

*(R16-17-38 is attached for review.)

C. WORKSHOPS

None

D. OTHER ITEMS (from Table Package)

None

X. APPOINTMENTS

#7. Consider – Appointing the Retail Marijuana Moratorium Ad-Hoc Committee to review, prepare and forward to the Town Council a Retail Marijuana Ordinance within 180 days.

Chair Thomas asked if we could consider postponing the appointment of this committee until the meeting on the 17th. The Public Safety Committee is holding a meeting on November 7, and the Election will take place on November 8th. The results of both may have an impact on such appointments.

Councilor Snyer moved to table this agenda item until November 17, 2016. Councilor Freeman seconded the motion. The motion was accepted without doubt. *The motion carries.*

XI. MANAGER STATUS REPORT:

Veterans Day - The Town Office will be closed on the 11th. The ROTC will be in the parade. I'd like to recognize personally any and all Hermon Veterans. These individuals are never to be forgotten or taken for granted.

Economic Development – We are working with several businesses that are looking at Hermon as their destination.



Election – The Election will take place next Tuesday. At this point 989 absentee ballots have been cast. There are a lot of issues being addressed at levels of government; Country, State and Local.

Snow – Snow is right around the corner. We have met with the snow plow contractor and an emergency chain of command has been established.

Route #2 – This project is going well. The majority of what needs to be done in this phase is complete.

XII. FINAL PUBLIC ITEMS OR COMMENT (Items Not Already on Agenda)

None

XIII. COUNCIL ITEMS:

Councilor Freeman told how Donna Pulver has been seriously ill and just came home from the hospital today.

Councilor Thomas asked Kim Nichols if she would consider sitting on the Ad-Hoc committee being developed for the Marijuana Moratorium.

Councilor Jacques told how Miller Hill seems different to her when she drives up it. The new paint seems to be helping.

XIV. EXECUTIVE SESSION:

None

XV. ADJOURNMENT:

Councilor Watson moved to adjourn the meeting at 7:45pm. Councilor Snyer seconded the motion. With no objection the meeting was adjourned.

Respectfully Submitted,

Ruth A. Nickerson, CCM Town Clerk



FR16-17-24

Be it resolved by the Hermon Town Council in town council assembled the Town Manager or his Designee be authorized to expend an amount not to exceed \$10,000 for purchasing services for Website upgrade.

Be it further resolved the cost of the services is to be paid for from the Town Office Equipment and Technology Reserve Account (HERM19).

Donna Ellis

Jeanne Jacques

John Snyer

Steve Watson

Steven Thomas

Anne Freeman

Attest Original:	Ruchid Merberson	
Motion Jacques	Yeas 7	Date 11 3/16
Second Tee Man	Nays	



FR16-17-25

Be it resolved by the Hermon Town Council in town council assembled the Town Manager or his Designee be authorized to expend an amount not to exceed \$1,600 for purchasing laser printers as mandated by State of Maine Department of Motor Vehicles. Be it further resolved the cost of the services is to be paid for from the Town Office Equipment and Technology Reserve Account (HERM19).

Donna Ellis

Jeanne Jacques

John Sayer

Steve Watson

Steven Thomas

Anne Freeman

Attest Original: Reth	A. Dieberson	
Motion Free man Second Jacques	Yeas	Date_[]_3 [[e_



R16-17-39

Be it resolved by the Hermon Town Council in Town Council assembled the amendments of the ordinance titled "Amendment to Chapter 154 of the Hermon Land Use & Development Ordinance" - Title XV- Section 154, "§ 154-046, Retail Marijuana Moratorium" and an ordinance amendment to "Marijuana Cultivation and/or Processing Facility § 154-083" be adopted.

SIGNED this November 3, 2016 by the Her	mon Town Council:
Donna Ellis	Jeanne Jacques
John Snyer	Steve-Watson Steve
Dong Linclan 'Douglas Sinclair, Sr.	Steven Thomas
	Anne Freeman

Yeas

Motion You Mai



R16-17-37

Be it resolved by the Hermon Town Council in Town Council assembled the introduction of an ordinance titled "Amendment to Chapter 154 Zone change to Tax Map 40 Lot 1 § 154-006 (b) of the Hermon Town Code" be scheduled for a public hearing and potential enactment at the November 17th Town Council meeting.

SIGNED this November 3, , 2016 by the He	ermon Town Council:
	÷
Donna Ellis	Jeanne Jacques
John Snyer	Steve Watson
Voneg Junclau Douglas Sinclair, Sr.	Steven Thomas
V	Anne Freeman

Attest Original:



R16-17-38

Be it resolved by the Hermon Town Council in Town Council assembled the introduction of an ordinance titled "Amendment to Chapter 154 Zone Change to Tax Map 34 Lot 131 § 154-006 (b) of the Hermon Town Code" be scheduled for a public hearing and potential enactment at the November 17th Town Council meeting.

Donna Ellis

Jeanne Jacques

John Sayer

Steve Watson

Steven Thomas

Anne Freeman

Attest Original: Rethe	Necherson	·
Motion Teewary Second Suger	Yeas accept t	Date 11 3/1 (0

MEMORANDUM

To: Members of the Hermon Town Council

From: Howard Kroll, Town Manager

Re: 26 January 2017 Town Council Meeting

Date: 18 January 2017

#3. Consider- Approving a PROPOSED Tax Increment Finance (TIF) District for Maine Salt Company

Town of Hermon Staff is seeking Town Council's consideration to approve a PROPOSED Tax Increment Finance (TIF) District for Maine Salt Company and if acceptable move forward with the process as dictated by State Statute.

During this meeting Town Council will hold a public hearing and potentially approve this TIF.

Town Manager recommends Town Council to approve.

#4. Consider- Approving a PROPOSED Tax Increment Finance (TIF) District for Bangor Waterfront Concerts

Town of Hermon Staff is seeking Town Council's consideration to approve a PROPOSED Tax Increment Finance (TIF) District for Bangor Waterfront Concerts and if acceptable move forward with the process as dictated by State Statute.

During this meeting Town Council will hold a public hearing and potentially approve this TIF.

Town Manager recommends Town Council to approve.

#5. Consider- Approving an ordinance amendment to the Hermon Code of Ordinances- Title XV- Section 154, "§ 154-008, Enacting a Moratorium on acceptance of applications or processing of applications for Chemical Dependency Treatment Facilities (Methadone Clinics)"

Town of Hermon Staff is seeking Town Council's consideration to approve the Code of Ordinances § 154-008 to add a "Enacting a Moratorium on acceptance of applications or processing of applications for Chemical Dependency Treatment Facilities (Methadone Clinics)".

Town Manager recommends Town Council approve the proposed moratorium and direct the Retail Marijuana Review Committee to further consider the existing ordinance as acceptable and or make recommendations to amend the ordinance within 180 days to the Town Council.

#6. Consider- Amending the Town of Hermon Personnel Policy

Staff is seeking Town Council authorization to amend the Personnel Policy with the following action:

4.2 STANDARD WORK WEEK FIRE-DEPARTMENT: The standard work week for full-time, non-exempt, fire-employees shall be 106 hours in a two-week payroll period per 29CFR553.230.

This action would remove the current work week for our full time Fire Department employees to go from 53 hours per week to 40 hours per week.

Town Manager recommends authorization.

#7. Consider- Authorizing the use of approved, dedicated Funds for purchase of a new sign for the Fire Station.

Staff is seeking Town Council authorization to expend an amount not to exceed \$700 for purchasing a new sign for the Fire Station.

Staff is seeking Town Council authorization to spend funds from the Fire Department Reserve Account (HERM05).

Town Manager recommends authorization.

Manager Status Report

Town Manager will hand out the proposed Capital Improvement Plan for FY17-18 to the Town Council for their review. Town Council will review the Plan and reconvene at a future date to discuss the plan in more detail.

Plan is required to be approved NO LATER THAN 28 February 2018 as per the Town of Hermon Charter.

Town Manager recommends scheduling a future date to review the plan in detail with Town Council and Department Heads.

1 1-26-2017

TOWN OF HERMON LEGAL NOTICE - PUBLIC HEARING

The Hermon Town Council will hold public hearings on Thursday, January 26, 2017, at 7:00 p.m. at the Town Offices in the Hermon Municipal Building, 333 Billings Road, Hermon, Maine, for purposes of receiving public comments on the proposed designation of the following two Municipal Development and Tax Increment Financing Districts and the adoption of related Development Programs for the Districts:

- TIF District No. 10 Maine Salt Company 677 Coldbrook Road, Tax Map 15, Lot 34-1 (portion)
- TIF District No. 11 Waterfront Concerts, LLC Freedom Park, 6 Lexington Drive, Map 30, Lot 3

A copy of the proposed Development Programs for the two Districts will be on file with the Hermon Town Clerk prior to the public hearing and may be reviewed at the offices of the Hermon Town Clerk during normal business hours.

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

#5.

TOWN OF HERMON

Ordinance, Enacting a Moratorium on acceptance of applications or processing of applications for Chemical Dependency Treatment Facilities (Methadone Clinics).

Be it ordained by the Town of Hermon, as follows:

A moratorium on the acceptance or processing of applications by the Code Enforcement Officer or Planning Board for chemical dependency treatment facilities, such as methadone clinics, is enacted as follows:

§ 1. Necessity.

Municipalities are authorized by 30-A M.R.S.A \S 4356(1) to enact moratoria:

- A) to prevent a shortage or an overburden of public facilities that would otherwise occur during the effective period of the moratorium or that is reasonably foreseeable as a result of any proposed or anticipated development, or
- B) because the application of existing comprehensive plans, land use ordinances or regulations or other applicable laws, if any, is inadequate to prevent serious public harm from residential, commercial or industrial development in the affected geographic area.

In accordance with 30-A M.R.S.A. § 4355(1), the Hermon Town Council finds that a moratorium on the acceptance or processing of applications for chemical dependency treatment facilities, such as methadone clinics, is necessary and warranted in order to prevent overburdening of public services and to allow sufficient opportunity to revise the existing Land Use Ordinance to prevent serious public harm from such developments.

§ 2. Moratorium on acceptance of or processing of applications for Chemical Dependency

Treatment Facilities.

The Hermon Code Enforcement Office and Planning Board shall not accept or process any applications for chemical dependency treatment facilities, including methodone clinics, while this moratorium is in effect.

§ 3. Term

This moratorium shall continue for 180 days from the date of passage. It may be extended for additional 180-day periods in accordance with 30-A M.R.S.A. § 4356(2) upon a finding by the Hermon Town Council that the problem giving rise to this moratorium continues to exist and reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium.

#le. 1-26-17

SECTION 4. OVERTIME

4.1 STANDARD WORK WEEK: The standard work week for full-time, non-exempt, employees shall be forty hours per week, with the exceptions in Section 1.2. Lunch break shall be determined by the Town Manager, and unpaid. Exempt employees, due to their responsibilities for program goal accomplishments, field work and varying requirements including night meetings may work a flexible schedule but averaging the standard number of work hours. Work schedules will be set by the Town Manager to meet the various requirements for administering the Town's activities. Time to be worked outside of normal office hours for town office employees must be approved in advance by the Town Manager

Any non-exempt employee working time in excess of 40 hours in any regular work week will be compensated with overtime pay at a rate of one and one half the regular rate for all hours per hours actually worked over 40, except as addressed by Section 4.34.a.

4.2 STANDARD WORK-WEEK FIRE DEPARTMENT: The standard work week for full-time, non-exempt, fire employees shall be 106 hours in a two-week payroll period-per 29CFR553.230.

4.23 STANDARD WORK WEEK PUBLIC WORKS DEPARTMENT: The standard work week for full-time, non-exempt, public works staff shall be forty hours per week. Public Works basic schedule is either five (5) eight (8) hour days. Anytime worked in excess of a scheduled 8 hour day shall be paid as overtime. Additionally any employee having reached 40 hours in a week or 80 hours in pay period shall not be scheduled to work until the next pay period unless authorized by the manager or authorized designee.

All overtime must be approved in advance by the Town Manager or authorized designee. Any individual who works over his/her regular hours without pre-approval from the Town Manager may be subject to disciplinary action as defined in this policy.

- 4.34 COMPENSATORY TIME: This section applies to non-exempt employees only.
 - a. In certain situations, and at the discretion of the Town Manager, an employee who works in excess of 40 hours in any regular work week may choose to be compensated with compensatory time in lieu of overtime at a rate of one and one half hours per hour worked.

b. All compensatory time must be used in the fiscal year it is accrued or within sixty days of it being earned, whichever is greater. No employee will be allowed to accumulate greater than twenty-four (24) hours of compensatory. Further the Town Manager has the right to schedule the use of compensatory time at a time convenient for the Town.

- c. An employee who requests the use of accrued compensatory time shall be permitted to use available compensatory time within a reasonable period after making the request to do so if the use of the compensatory time does not unduly disrupt the operations of the Town. Such determination will be made by the Town Manager.
- d. The Town may cash out an employee's accrued compensatory time by paying the employee cash compensation for unused compensatory time. Such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment.
- e. An employee who has accrued compensatory time off at the time of termination of employment shall be paid for the unused compensatory time at a rate of compensation not less than either the employee's average regular rate received by the employee during the last 3 years of the employee's employment, or the final regular rate received by such employee, whichever is higher.
- 4.45 EMERGENCY CALL OUT: Town employees will receive their regular pay when answering emergency calls, subject to overtime policies.

Printed by: Ruth Nickerson

Title: fire station sign financial resolve request: Hermon Scho...

| - 2le - | 7-Friday, January 20, 2017 9:05:10 A

Wednesday, January 18, 2017 3:09:48 PM

Page 1 of

Subject:

From:

fire station sign financial resolve request

To:

Howard Kroll

Rachel Grass

Cc:

Ruth Nickerson

👪 Frank Roma

Good Afternoon:

Can you please add a financial resolve to 1/26/17 agenda? We will need a resolve asking the Town Council to approve an expenditure from Public Safety Building Reserve (HERM17) for an amount of \$682.50 for a new Fire Station Sign.

Please let me know if you have any questions or need further information. Thank you!

Sincerely,

Rachel Grass

Please be advised that email communications sent to or received from Town employees are subject to the Freedom of Access Act and may become part of public record or shared with the media.

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